

## **REMARKS/ARGUMENTS**

Applicants have received and carefully reviewed the Office Action of the Examiner mailed March 5, 2009. Currently, claims 1-8, 12-19, 21-24, 41-49, and 53-64 are pending and have been rejected. Applicants must respectfully traverse the rejections. No claim amendments are presented herein. Favorable consideration of the following remarks is respectfully requested.

### ***Claim Rejections - 35 USC § 102***

Claims 1 and 41 were rejected under 35 U.S.C. §102(e) as being anticipated by Zadno-Azizi et al. (U.S. Patent No. 6,022,336). Applicants respectfully traverse the rejection.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (MPEP 2131).

The Examiner states that the cited reference shows, in Figures 18A-18H, the method and apparatus of claims 1 and 41, and specifically, “deploying the first deployable structure adjacent the treatment site to create movement of the treatment material adjacent the treatment site”. After careful review of the reference, Applicants have not found any such disclosure.

The apparatus and methods of Figures 18A-18H are described in detail in columns 19-23 of the cited reference. Zadno-Azizi et al. appear to disclose deploying two balloons 402, 412 to create a chamber 422 around an obstruction 406. The obstruction is then treated with various methods or apparatus, which may include a dilatation balloon, a stent, or high concentrations of drugs, chemicals, or enzymes. Treatment only appears to occur within working chamber 422 created by balloons 402 and 412, after the balloons have been deployed. Zadno-Azizi et al. do not appear to disclose the introduction of treatment material into the vessel proximate the treatment site until after the balloons are fully deployed. Following treatment, irrigation and aspiration occurs using an external source of fluid, again within the chamber. The balloons do not appear to be removed, nor do they create any movement of the irrigation fluid or blood within the chamber. In fact, column 22, lines 47-56 discuss the need to maintain the inflation pressures within the balloons in order to maintain proper irrigation and aspiration. Accordingly, Zadno-Azizi et al. do not appear to disclose deploying a deployable structure to create movement of a treatment material.

Alternative methods of irrigation and aspiration described by Zadno-Azizi et al. appear to include deflating the proximal occlusive device, which allows blood to flow into the chamber and serve as the source of irrigation flow (column 22, line 61 to column 23, line 14). In such instances, flow and movement of blood (and therefore the treatment material) appears to be effected by the collapse of the balloon and the pressure of the blood within the vessel, and not by deploying the balloon, as recited in the claims.

For at least the reasons discussed above, Zadno-Azizi et al. do not appear to disclose each and every element of independent claims 1 and 41; therefore Zadno-Azizi et al. cannot anticipate the claims. Withdrawal of the rejection is respectfully requested.

### ***Claim Rejections - 35 USC § 103***

Claims 2-8, 12-19, 21-24, 42-49, and 53-64 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zadno-Azizi et al. (U.S. Patent No. 6,022,336) in view of Chien et al. (U.S. Patent No. 6,623,452), [Tusgita et al. (U.S. Patent No. 6,027,520) or Halevy (U.S. Patent No. 6,663,589)], O'Connor (U.S. Patent No. 6,398,792), Jang (U.S. Patent No. 6,051,014), or Bradshaw (U.S. Patent No. 6,450,988), and further in view of Keith et al. (U.S. Patent No. 5,702,439) or Kraus et al. (U.S. Patent No. 5,209,728). Applicants respectfully traverse the rejection.

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). (MPEP 2143.03).

As discussed above, independent claims 1 and 41 are believed to be allowable over Zadno-Azizi et al. The secondary references do not appear to remedy the shortcomings of Zadno-Azizi et al. with respect to claims 1 and 41. Since claims 2-8, 12-19, 21-24, 42-49, and 53-64 depend therefrom and add additional elements thereto, Applicants submit that claims 2-8, 12-19, 21-24, 42-49, and 53-64 are also allowable over the cited references and respectfully request that the Examiner withdraw the rejection.

**Conclusion**

In view of the foregoing, all currently pending claims are believed to be in condition for allowance. Reexamination and reconsideration are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

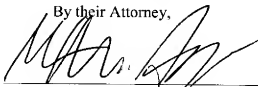
Respectfully submitted,

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By their Attorney,

Date:

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